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S:\CLIENTS\5978\1\Memorandum of costs and fees.DOC

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Department of Water Resources

Attorneys for Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

Subcase Nos. 31-00066A, 31-00066B, 31-00067A, 31-00067B, and 31-324

**MEMORANDUM OF COSTS AND
FEES RELATING TO MUD LAKE'S
MOTION FOR LATE OBJECTION**

Claimants Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth ("Hagenbarth"), through their local counsel Michael C. Creamer and John M. Marshall of the law firm Givens Pursley LLP, and their Montana counsel John E. Bloomquist and Patti L. Rowland of the law firm Doney, Crowley, Bloomquist & Uda, P.C. hereby submit this Memorandum of Costs and Fees Relating to Mud Lake's Motion for Late Objection in accordance with the Court's oral order during the July 25, 2002 continuation of hearing on Mud Lake Water Users Association's ("Mud Lake") motions for late objection. At the conclusion of this hearing, the Court granted Mud Lake's motions for late objection on condition that Mud Lake reimburse the Hagenbarths for their costs incurred as a result of Mud Lake's late objections. This memorandum itemizes those costs for reimbursement.

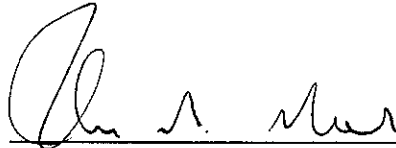
The attached Exhibits A and B itemize billings to the Hagenbarths from Doney, Crowley, Bloomquist & Uda, P.C. and Givens Pursley LLP relating to Mud Lake's Motions for Late

Objection and prior scheduling hearings rendered moot as a result of Mud Lake's motions.

These compilations total \$10,131.00 for attorneys' fees and \$888.94 for associated costs.

Pursuant to the Court's July 25, 2002 order, the Hagenbarth's request that the Court direct payment of these fees and costs to the Hagenbarths.

DATED this 13th day of December 2002.

Handwritten signatures of John M. Marshall and Patti L. Rowland, written in black ink above a horizontal line.

John M. Marshall
Patti L. Rowland
Attorneys for Objectors

CERTIFICATE OF SERVICE

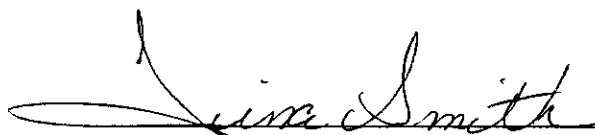
I hereby certify that on the 13th day of December 2002, I caused to be served a true and correct copy of the foregoing Memorandum of Costs and Fees Relating to Mud Lake's Motion for Late Objection by placing same in the U.S. Mail, postage prepaid and addressed to the following:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Mail

Jerry R. Rigby
Rigby, Thatcher, Andrus, Rigby, Kam &
Moeller, Cht
25 N. 2nd E. PO Box 250
Rexburg, ID 83440-0250

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Mail


Tina Smith

**Givens Pursley LLP
Hagenbarth – Billing Related to
Mud Lake's Motions for Late Objection**

<u>Date</u>	<u>Reference</u>	<u>Hours</u>	<u>Amount</u>	<u>Timekeeper</u>
05/02/02	Telephone conference with P. Rowland re scheduling conference, prepare for and attend scheduling conference in West Camas Creek rights.	0.70	105.00	JMM
05/15/02	Telephone conference with P. Rowland re trial dates and upcoming scheduling conferences.	0.20	30.00	JMM
07/01/02	Review Mud Lake motions for late objections, telephone conference with P. Rowland re motions for late objections.	0.50	77.50	JMM
07/02/02	Office conference regarding motions to file late objections.	0.90	166.50	MCC
07/02/02	Telephone conference with C. McHugh re Mud Lake motions to file late objections, research re standard for late objections. Research regarding standard for late objection, review claims and recommendations for reference to Harmon reservoir, office conference regarding strategy for opposing motion for late objection and calling Mud Lake individuals as witnesses.	1.70	263.50	JMM
07/03/02	Office conference regarding additional information regarding motion to file late objection.	0.40	74.00	MCC
07/03/02	Telephone conference with P. Rowland re timeframes for objections, review motion to file late objections, review letter from Mud Lake to IDWR re changing director's report, research standard for late objection, draft outline for response to motion for late objection.	2.50	387.50	JMM
07/08/02	Telephone conference with P. Rowland re pretrial conference on West Camas Creek claims, response	0.20	31.00	JMM

EXHIBIT

A

	to motion for late objection.			
07/09/02	Office conference regarding status conference and late objections by Mud Lake water users.	0.40	74.00	MCC
07/09/02	Further research re response to motion for late objection.	1.00	155.00	JMM
07/10/02	Prepare for and attend pre-trial conference in West Camas rights, telephone conference with P. Rowland re West Camas issues, draft response to motion for late objection.	1.00	155.00	JMM
07/11/02	Office conference regarding motion to file late objection.	0.50	92.50	MCC
07/12/02	Continue drafting response to motion for late objections, draft affidavit of David R. Tuthill, telephone conference with C. McHugh re Tuthill affidavit, edit McHugh version of Tuthill affidavit, review IDWR supplemental director's report.	1.80	279.00	JMM
07/13/02	Telephone conference with P. Rowland re late objections and hearing, further research regarding late objection standard.	0.80	124.00	JMM
07/21/02	Research regarding motion for late objection, draft response.	0.50	77.50	JMM
07/22/02	Office conference regarding hearing on motion to file late objections.	0.40	74.00	MCC
07/22/02	Draft and finalize response to motions for late objection, prepare for hearing on late objection, telephone conference with P. Rowland, office conference re hearing on motions for late objection.	8.00	1,240.00	JMM
07/23/02	Travel to and from Twin Falls, attend hearing on motion for late objections, draft reply to Hillman response to summary judgment.	8.00	1,240.00	JMM
07/25/02	Attend continuation of hearing on late objection.	0.90	139.50	JMM
07/26/02	Telephone conference with P. Rowland re potential appeal of order on late objections.	0.20	31.00	JMM
07/30/02	Office conference regarding petition for review of order granting late objections.	0.10	18.50	MCC

08/01/02	Telephone conference with J. Hagenbarth and P. Rowland re appeal of order permitting Mud Lake late objections and general issues related to West Camas Creek, research re standard for permissive review order.	1.20	186.00	JMM
08/05/02	Telephone conference with P. Rowland re motion for permissive review.	0.20	31.00	JMM
08/06/02	Review Order on Motion to File Late Objection.	0.50	77.50	JMM
08/09/02	Finalize and file motion for permissive review, telephone conference with P. Rowland re general provision issues.	0.30	46.50	JMM
12/08/02	Draft Memorandum of costs, review P. Rowland cost information, review prior billing.	1.50	232.50	JMM
12/10/02	Draft affidavit explaining costs and fees relating to Mud Lake motions for late objections, edit itemization of costs and review P. Rowland itemization.	1.30	201.50	JMM
12/11/02	Finalize package for attorneys fees and costs in West Camas matter.	0.30	46.50	JMM

Total Fees::	\$5,656.50
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Additional charges (copies, fax, supplies, telephone expenses, and travel) July 2002	201.00
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Total Costs and Fees:	\$5,857.50
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Doney, Crowley, Bloomquist & Uda, P.C.
Hagenbarth - Mud Lake Late Objection billing

<u>Date</u>	<u>Reference</u>	<u>Hours</u>	<u>Amount</u>
05/02/02	Teleconference w/ John Marshall re: preference for hearing dates before scheduling conference on West Camas Creek claims	00.30	28.50
	Attended telephone scheduling conference for West Camas Creek claims	00.40	38.00
05/15/02	Teleconference w/ John Marshall re: change of date for West Camas hearing	00.20	19.00
07/01/02	Teleconference w/ John Marshall re: Mud Lakes motion to file late objection in West Camas Creek claims	00.50	47.50
07/02/02	Teleconference w/ Jim Hagenbarth re: motion for late objection by Mud Lake water users in West Camas Creek subcases	00.20	19.00
	Met w/ Jim Hagenbarth re: Mud Lake motions for late objection	00.90	85.50
07/03/02	Teleconference w/ John Marshall re: motion for late objection	00.40	38.00
	Compiled Basin 31 deadline list for John Marshall; faxed to John Marshall	00.60	57.00
07/08/02	Teleconference w/ John Marshall re: SRBA West Camas pretrial conference; teleconference w/ SRBA Court re: checked location status (telephone) of pretrial conference	00.40	38.00
	Teleconference w/ Jim Hagenbarth re: West Camas witnesses and exhibits; review of West Camas letters, correspondence, and maps	00.90	85.50
07/09/02	Jim Hagenbarth brought in additional information on West Camas water rights	00.30	28.50
07/10/02	Teleconference w/ John Marshall re: additional information Jim Hagenbarth picked up on the West Camas claims; discussed witness and exhibit list; John Marshall has reviewed and obtained water master records from the 1980's to substantiate use and delivery of West Camas water to address Mud Lakes late objection alleging forfeiture	00.20	19.00
	Attended telephone prehearing conference on West Camas claims; teleconference w/ John Marshall re: strategy for response to motion for late objection and hearing on West Camas claims	00.70	66.50
	Teleconference w/ Jim Hagenbarth re: July 19 th hearing set on motions for late objections	00.10	9.50

Hagenbarth - Mud Lake Objection billing

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EXHIBIT

tabbles

B

07/11/02	Review of West Camas photo list for labeling; started West Camas draft memorandum; Westlaw research Rule 24 for intervention	00.80	76.00
	Review of West Camas documents and preparation of exhibits	04.30	408.50
07/12/02	Review of SRBA cases on timelines of intervention	00.50	47.50
	Continued preparation and review of West Camas documents for exhibits in hearing on motion for late objections and August 8 th West Camas hearing w/ and w/out Mud Lake	02.00	190.00
07/13/02	Teleconference w/ John Marshall re: discussed witnesses, response and hearing schedule on motion for late objection	00.80	76.00
07/15/02	Continued draft memorandum on West Camas and preparation of documents to go to John Marshall	01.00	95.00
	Review of Mud Lake water rights, source, and priority dates	00.20	19.00
	Teleconferences w/ Jerry Rigbys' office, Candace McHugh at IDWR, and the Court re: rescheduling the hearing on the motion for late objection	00.60	57.00
	Teleconference w/ John Marshall re: hearing rescheduled	00.30	28.50
07/16/02	Teleconference from Attorney Jerry Rigby re: a second late objection is going to be filed by Senator Don Burtenshaw	00.20	19.00
	Continued review and organization for West Camas late objection hearing	02.50	237.50
	Teleconference w/ Jim Hagenbarth re: teleconference w/ Attorney Jerry Rigby informing us that Burtenshaw is going to file a late objection	00.50	47.50
07/17/02	Teleconference w/ Jim Hagenbarth re: conversation w/ Don Burtenshaw and his late objection	00.20	19.00
07/19/02	Receipt and review of motion to file a late objection by Don Burtenshaw	00.10	9.50
07/22/02	Teleconference w/ John Marshall re: response to motion for late objection; discussed hearing details	00.30	28.50
	Travel to Twin Falls for hearing on motion for late objection (Mud Lake Water Users)	04.00	380.00
07/23/02	Preparation for hearing on motion for late objection (West Camas Creek claims)	01.50	142.50
	Met w/ John Marshall and Mike Creamer	01.50	142.50
	Attended hearing on West Camas late objection	02.00	190.00
	Travel back to Dillon	04.00	380.00
07/25/02	Teleconference w/ John Marshall re: strategy and scheduling in the event motion for late objection is granted	00.60	57.00

	Attended telephone conference w/ the Court re: decision on Mud Lakes motion for late objection	00.90	85.50
07/26/02	Teleconference w/ John Marshall re: appeal of the West Camas decision granting the late objection	00.30	28.50
	Research and review of SRBA Court decision and decision list; retrieved and reviewed A.L. Cattle Co. case; met w/ Jim Hagenbarth re: special master's decision on motion for (Mud Lake Water Users) late objection	02.80	266.00
07/29/02	Teleconference w/ Jim Hagenbarth and John Marshall re: discussed whether to appeal granting of the motion for late objection (Mud Lake Water Users)	01.30	123.50
07/30/02	Teleconference w/ John Bloomquist re: status of Mud Lakes objection to West Camas claims	00.20	19.00
08/01/02	Met w/ Jim Hagenbarth and had a teleconference w/ John Marshall re: go ahead to appeal	01.00	95.00
	Review of order on motion to file late objection	01.00	95.00
08/05/02	Teleconference w/ John Marshall re: appeal process and conversation w/ Jerry Rigby not opposing permissive review but requesting a stay	00.20	19.00
08/06/02	Received and reviewed draft motion for permissive review faxed by John Marshall	00.10	9.50
08/09/02	Teleconference w/ John Marshall re: Mud Lake notice and motion for permissive review	00.30	28.50
09/26/02	Review of billing in preparation for motion to request costs for Mud Lakes late objection	00.20	19.00
	Drafted billing "list" for West Camas/Mud Lake late objection	1.00	95.00
09/27/02	Continued drafting billing to submit to the Court on Mud Lake late objection costs	00.20	19.00
12/09/02	Reviewed and revised Mud Lake "late objection billing" for inclusion in a Motion for Costs	01.30	123.50
12/11/02	Received and reviewed e-mail from John Marshall re: costs memorandum and his late objection billing	00.90	85.50
	Drafted affidavit for memorandum of costs	1.40	133.00

Total Fees:

\$4,474.50

Additional charges (copies, fax, supplies, telephone expenses, and travel)

July, 2002	328.14
August, 2002	359.80

Additional charges for July and August subtotal: 687.94

TOTAL: \$5,162.44